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Attorneys for Defendants and Nominal
Defendant, Quality Systems, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TIMOTHY J. FOSS, Derivatively on
Behalf of Himself and All Others
Similarly Situated,

Plaintiff,

v.

CRAIG A. BARBAROSH, GEORGE H.
BRISTOL, JAMES C. MALONE,
PETER M. NEUPERT, MORRIS
PANNER, D. RUSSELL PFLUEGER,
STEVEN T. PLOCHOCKI, SHELDON
RAZIN, and LANCE E. ROSENZWEIG,

Defendants,

-and-

QUALITY SYSTEMS, INC.,

Nominal Defendant.

Case No. 8:14-cv-00110-CJC-JPR

Derivative Action

**DEFENDANTS' AND NOMINAL
DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
DISMISS VERIFIED
SHAREHOLDER DERIVATIVE
COMPLAINT**

Judge: Hon. Cormac J. Carney
Date: April 16, 2018
Time: 1:30 p.m.
Place: Courtroom 9B

Oral Argument Requested

1 **NOTICE OF MOTION AND MOTION**

2 **ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that on April 16, 2018, at 1:30 p.m., or at such
4 later date and time as the Court may order, in the Courtroom of the Honorable
5 Cormac J. Carney, Courtroom 9B, United States District Court, Central District of
6 California, located at 411 West 4th Street, Santa Ana, California, nominal
7 defendant Quality Systems, Inc. (“QSI” or the “Company”), and defendants Craig
8 A. Barbarosh, George H. Bristol, James C. Malone, Peter M. Neupert, Morris
9 Panner, D. Russell Pflueger, Steven T. Plochocki, Sheldon Razin, and Lance E.
10 Rosenzweig (collectively, “Defendants”) will and hereby do move for an Order
11 dismissing with prejudice plaintiff Timothy J. Foss’s (“Plaintiff”) Verified
12 Shareholder Derivative Complaint dated January 24, 2014 (the “Complaint”). This
13 Motion is made pursuant to Federal Rule of Civil Procedure 23.1 for failure to
14 make a pre-suit demand on QSI’s Board of Directors or to adequately plead that
15 the demand requirement was excused.

16 This Motion is made following the conference of counsel pursuant to L.R.
17 7-3, which took place on December 5, 2017, and is based on this Notice of Motion
18 and Motion, the accompanying Memorandum of Points and Authorities, the
19 Declaration of Andrew R. Gray and exhibits thereto, Defendants’ Request That the
20 Court Consider Documents Incorporated by Reference or Subject to Judicial
21 Notice In Ruling on Motion to Dismiss, the Complaint, the Court’s record in this
22 matter, the arguments of counsel, and other evidence that may be presented prior to
23 the Court’s decision on this Motion.

1 Dated: February 2, 2018

LATHAM & WATKINS LLP

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3 By: /s/ Andrew R. Gray
Andrew R. Gray

4 Attorneys for Nominal Defendant
5 Quality Systems, Inc. and Defendants
6 Craig A. Barbarosh, George H. Bristol,
7 James C. Malone, Peter M. Neupert,
8 Morris Panner, D. Russell Pflueger,
9 Steven T. Plochocki, Sheldon Razin, and
10 Lance E. Rosenzweig
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